

AMENDED IN ASSEMBLY MARCH 3, 2003

CALIFORNIA LEGISLATURE—2003–04 REGULAR SESSION

ASSEMBLY BILL

No. 97

Introduced by Assembly Member Nation *Members Nation, Parra,
and Wyland*
(Coauthors: Assembly Members Berg and Plescia)

January 8, 2003

An act to amend ~~Sections 44579.1 and~~ *Section* 48209.16 of the Education Code, relating to schools, and declaring the urgency thereof, to take effect immediately.

LEGISLATIVE COUNSEL'S DIGEST

AB 97, as amended, Nation. Schools.

(1) ~~Existing law, the Instructional Time and Staff Development Reform Program, requires the Superintendent of Public Instruction to provide each eligible school district, charter school, and county office of education with an allowance of \$270 per day, for up to 3 days, for each certificated classroom teacher or in the case of a charter school, for each classroom teacher, and \$140 per day, for up to one day, for each classified classroom instructional aide and certificated teaching assistant or in the case of a charter school, for each classroom instructional aide and assistant, who participates in staff development on instructional methods, conflict resolution, and academic content in the core curriculum areas that are provided by the school district, charter school, or county office of education.~~

~~This bill would include emergency preparedness as curriculum that may be included in staff development.~~

~~(2)~~ Existing law authorizes the governing board of any school district to admit pupils residing in another school district to attend any school in that district. Existing law authorizes school districts of residence to limit the number of pupils newly transferring out each year based upon the district's average daily attendance. Existing law credits the school district of choice, as to pupils admitted to the school district under this authority, with a corresponding increase in average daily attendance for state apportionment purposes. Existing law prohibits the school district of residence from adopting policies that block or discourage pupils from applying for a transfer. Existing law provides that the governing board of a school district may, but is not required to, accept interdistrict transfers, and authorizes a governing board that elects to accept transfers to adopt a resolution to ensure that pupils admitted under the policy are selected through a random, unbiased process that prohibits an evaluation of whether or not the pupil should be enrolled based upon his or her academic or athletic performance. Existing law provides that either the pupil's school district of residence, upon notification of the pupil's acceptance to the school district of choice, or the school district of choice may prohibit the transfer of a pupil or limit the number of pupils so transferred if the governing board of the district determines that the transfer would negatively impact the court-ordered desegregation plan of the district or the voluntary desegregation plan of the district that meets certain criteria or the racial and ethnic balance of the district. Existing law sets forth the procedures for transfer, including the date by which the governing board of the school district of choice must make a final acceptance or rejection of the transfer application and the requirement that the governing board, in case of a rejection, ensure that the determination and specific reasons are accurately recorded in the minutes of the board meeting at which the determination was made.

Under existing law, those provisions become inoperative on July 1, 2003, and are repealed as of January 1, 2004.

This bill would instead make those provisions inoperative on July 1, 2008, and would repeal them as of January 1, 2009. By extending the transfer application duties of the governing board of the school district of choice under these provisions, this bill would impose a state-mandated local program.

~~(3)~~

(2) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state.



Statutory provisions establish procedures for making that reimbursement, including the creation of a State Mandates Claims Fund to pay the costs of mandates that do not exceed \$1,000,000 statewide and other procedures for claims whose statewide costs exceed \$1,000,000.

This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to these statutory provisions.

~~(4)~~

(3) This bill would declare that it is to take effect immediately as an urgency statute.

Vote: ²/₃. Appropriation: no. Fiscal committee: yes. State-mandated local program: yes.

The people of the State of California do enact as follows:

1 ~~SECTION 1. Section 44579.1 of the Education Code is~~
2 ~~amended to read:~~
3 ~~44579.1. (a) There is hereby established the Instructional~~
4 ~~Time and Staff Development Reform Program. It is the intent of~~
5 ~~the Legislature that this program enhance staff development~~
6 ~~opportunities for classroom personnel, but this article does not~~
7 ~~provide the sole source of funding for staff development activities~~
8 ~~for school personnel or limit in any way the amount or type of staff~~
9 ~~development that is provided to school district personnel from~~
10 ~~other resources.~~
11 ~~(b) The State Department of Education shall submit draft~~
12 ~~regulations implementing this article to the State Board of~~
13 ~~Education for its review and approval. The State Board of~~
14 ~~Education shall adopt regulations implementing this article~~
15 ~~pursuant to Chapter 3.5 (commencing with Section 11340) of Part~~
16 ~~4 of Division 3 of Title 2 of the Government Code.~~
17 ~~(c) (1) Each fiscal year, the Superintendent of Public~~
18 ~~Instruction shall provide each eligible school district and county~~
19 ~~office of education applying for a grant pursuant to this article with~~
20 ~~a staff development allowance of two hundred seventy dollars~~
21 ~~(\$270) per day, adjusted annually commencing with the~~
22 ~~1999-2000 fiscal year for the inflation adjustment calculated~~
23 ~~pursuant to subdivision (b) of Section 42238.1, for up to three~~

1 days, for each certificated classroom teacher and one hundred
2 forty dollars (\$140) per day, adjusted annually commencing with
3 the 1999–2000 fiscal year for the inflation adjustment calculated
4 pursuant to subdivision (b) of Section 42238.1, for up to one day
5 for each classified classroom instructional aide and certificated
6 teaching assistant who participates in staff development
7 instructional methods, including teaching strategies, classroom
8 management and other training designed to improve pupil
9 performance, conflict resolution, emergency preparedness, and
10 academic content in the core curriculum areas that are provided by
11 the school district or county office of education.

12 (2) Each fiscal year, the Superintendent of Public Instruction,
13 shall provide each eligible charter school applying for a grant
14 pursuant to this article with a staff development allowance of two
15 hundred seventy dollars (\$270) per day, adjusted annually
16 commencing with the 1999–2000 fiscal year for the inflation
17 adjustment calculated pursuant to subdivision (b) of Section
18 42238.1, for up to three days, for each classroom teacher and one
19 hundred forty dollars (\$140) per day adjusted annually
20 commencing with the 1999–2000 fiscal year for the inflation
21 adjustment calculated pursuant to subdivision (b) of Section
22 42238.1, for up to one day for each classroom instructional aide
23 and assistant who participates in staff development instructional
24 methods, including teaching strategies, classroom management
25 and other training designed to improve pupil performance, conflict
26 resolution, emergency preparedness, and academic content in the
27 core curriculum areas that are provided by the charter school.

28 (d) To be eligible for a grant pursuant to this article, the staff
29 development program provided by the school district, charter
30 school, or county office of education shall meet all of the following
31 requirements:

32 (1) Meet local educational priorities as defined by the
33 governing board of the school district, charter school, or county
34 board of education.

35 (2) Be consistent with regulations defining staff development
36 activities eligible to receive funding under this section.

37 (e) To qualify as a funded participant, each eligible participant
38 shall be present for the full staff development day, and records of
39 attendance shall be maintained in a manner to be prescribed in
40 regulations. Each staff development day shall be at least as long as

1 ~~the full-time instructional workday for certificated or classified~~
2 ~~instructional employees of the school district. For purposes of this~~
3 ~~section, a single staff development day may be conducted over~~
4 ~~several calendar days.~~

5 ~~(f) (1) Except as provided pursuant to paragraph (2), if the staff~~
6 ~~development day is conducted after completion of an instructional~~
7 ~~day, it may not be held on a minimum day for which a parent or~~
8 ~~guardian was notified pursuant to subdivision (c) of Section~~
9 ~~48980.~~

10 ~~(2) For staff working in multitrack, year-round schools, not~~
11 ~~more than two staff development days may be scheduled for “off~~
12 ~~track” teachers at a school with a minimum day scheduled. In this~~
13 ~~event, teachers at the multitrack, year-round school who are being~~
14 ~~paid for service on the minimum days are not eligible for that day~~
15 ~~of funding under this article.~~

16 ~~(g) Notwithstanding Section 45203, probationary and~~
17 ~~permanent employees in the classified service may not receive~~
18 ~~regular pay on days during which staff development is offered~~
19 ~~pursuant to this article unless they are required to report for duty~~
20 ~~on those days.~~

21 ~~(h) A charter school may be eligible to receive funding under~~
22 ~~this chapter only if the school certifies that it meets the minimum~~
23 ~~instructional time requirements applicable to school districts.~~

24 ~~(i) This section shall be operative in any fiscal year only to the~~
25 ~~extent that funds are provided for its purposes in the annual Budget~~
26 ~~Act.~~

27 **SEC. 2.—**

28 *SECTION 1.* Section 48209.16 of the Education Code is
29 amended to read:

30 48209.16. This article shall become inoperative on July 1,
31 2008, and, as of January 1, 2009, is repealed, unless a later enacted
32 statute, which becomes effective on or before January 1, 2009,
33 deletes or extends the dates on which it becomes inoperative and
34 is repealed.

35 **SEC. 3.—**

36 *SEC. 2.* Notwithstanding Section 17610 of the Government
37 Code, if the Commission on State Mandates determines that this
38 act contains costs mandated by the state, reimbursement to local
39 agencies and school districts for those costs shall be made pursuant
40 to Part 7 (commencing with Section 17500) of Division 4 of Title

1 2 of the Government Code. If the statewide cost of the claim for
2 reimbursement does not exceed one million dollars (\$1,000,000),
3 reimbursement shall be made from the State Mandates Claims
4 Fund.

5 ~~SEC. 4.—~~

6 *SEC. 3.* This act is an urgency statute necessary for the
7 immediate preservation of the public peace, health, or safety
8 within the meaning of Article IV of the Constitution and shall go
9 into immediate effect. The facts constituting the necessity are:

10 In order to ensure at the earliest possible time that the efficient
11 operation of public schools is not diminished, it is necessary that
12 this act take effect immediately.

